

1 FITZGERALD KNAIER LLP

2 Kenneth M. Fitzgerald (State Bar No. 142505)

3 kfitzgerald@fitzgeraldknaier.com

4 David Beckwith (State Bar No. 125130)

5 dbeckwith@fitzgeraldknaier.com

6 Keith M. Cochran (State Bar No. 254346)

7 kcochran@fitzgeraldknaier.com

8 402 West Broadway, Suite 1400

9 San Diego, California, 92101

+1 (619) 241-4810

+1 (619) 955-5318 facsimile

10 WARREN LEX LLP

11 Matthew S. Warren (State Bar No. 230565)

12 Patrick M. Shields (State Bar No. 204739)

13 Erika H. Warren (State Bar No. 295570)

14 16-463@cases.warrenlex.com

15 2261 Market Street, No. 606

16 San Francisco, California, 94114

+1 (415) 895-2940

+1 (415) 895-2964 facsimile

17 Attorneys for Plaintiff and Counter-Defendant ViaSat, Inc.

18 UNITED STATES DISTRICT COURT  
19 SOUTHERN DISTRICT OF CALIFORNIA

20 VIASAT, INC.

21 a Delaware corporation,

22 Plaintiff and Counter-Defendant,

23 v.

24 ACACIA COMMUNICATIONS, INC.

25 a Delaware corporation,

26 Defendant and Counter-Claimant.

) Case No. 3:16-463-BEN-JMA

)

) **Motion to File Under Seal Unredacted**

) **Reply Memorandum in Support of**

) **ViaSat's Motion for Summary Judgment**

) **on Acacia's Counterclaim for Patent**

) **Misappropriation**

)

) Hon. Dist. Judge Roger T. Benitez

) Hon. Magistrate Judge Jan M. Adler

)

) Case Initiated: January 21, 2016

)

1 Under Federal Rule of Civil Procedure 26(c), Local Rule 79.2(c), ECF  
2 Administrative Policies and Procedures 2(j), and Paragraph 1 of the Stipulated Protective  
3 Order (Dkt. No. 29), as amended (Dkt. No. 47), Plaintiff and Counter-Defendant ViaSat,  
4 Inc. (“ViaSat”) respectfully requests that the Court file under seal portions of the Reply  
5 Memorandum in Support of ViaSat’s Motion for Summary Judgment on Acacia’s  
6 Counterclaim for Patent Misappropriation.

### 7 **ARGUMENT**

8 Certain limited portions of the Reply Memorandum in Support of ViaSat’s Motion  
9 for Summary Judgment on Acacia’s Counterclaim for Patent Misappropriation contain  
10 confidential information that Acacia designated as Confidential or Highly Confidential –  
11 Attorneys’ Eyes Only under the Stipulated Protective Order (Dkt. No. 29), disclosure of  
12 which would harm the competitive standing of the parties and could be used to the  
13 parties’ competitive disadvantage outside of this case.

14 Specifically, ViaSat seeks to seal the following documents:

15 (a) Reply Memorandum in Support of ViaSat’s Motion for Summary Judgment  
16 on Acacia’s Counterclaim for Patent Misappropriation contains information that Acacia  
17 designated as Highly Confidential – Attorneys’ Eyes Only. ViaSat previously moved to  
18 file the same material under seal. Docket Nos. 87, 123. Acacia did not oppose these  
19 motions. Thus, ViaSat seeks to seal this document for the same reasons ViaSat has  
20 already described in its Motion to Seal its Memorandum in Support of ViaSat’s Motion  
21 for Summary Judgment on Acacia’s Counterclaim for Patent Misappropriation, Docket  
22 Nos. 87, 123.  
23  
24  
25  
26  
27  
28

1 **CONCLUSION**

2 For the foregoing reasons, ViaSat respectfully requests that the Court seal portions of  
3 the Reply Memorandum in Support of ViaSat's Motion for Summary Judgment on  
4 Acacia's Counterclaim for Patent Misappropriation. A Proposed Order will be emailed to  
5 efile\_benitez@casd.uscourts.gov and efile\_adler@casd.uscourts.gov.  
6

7 Dated: February 26, 2018

Respectfully Submitted,

8 

9 Matthew S. Warren

10 Patrick M. Shields

11 Erika H. Warren

WARREN LEX LLP

2261 Market Street, No. 606

San Francisco, California, 94114

14 Kenneth M. Fitzgerald

15 David Beckwith

16 Keith M. Cochran

FITZGERALD KNAIER LLP

17 402 West Broadway, Suite 1400

18 San Diego, California, 92101

19 *Attorneys for Plaintiff and*

20 *Counter-Defendant ViaSat, Inc.*  
21  
22  
23  
24  
25  
26  
27  
28